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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,527	01/09/2004	Daniel W. Lynn	Nelson	1327
25315	7590	11/25/2005		
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104				
			EXAMINER KORNAKOV, MICHAEL	
			ART UNIT 1746	PAPER NUMBER

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,527

Applicant(s)

LYNN, DANIEL W.

Examiner

Michael Kornakov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 and 35-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-28, 30, 31, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 29 and 32 is/are objected to.
- 8) ☒ Claim(s) 1-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/04/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 24-34 in the reply filed on 08/04/2005 is acknowledged. Claims 1-23, 35-41 are withdrawn from consideration as being drawn to non-elected inventions. Claims 24-34 are examined on the merits.

Specification

2. The disclosure is objected to because of the following informalities:
- paragraph, bridging pages 4 and 5 recites "a second coil holds 56 extended downwardly...". Apparently, a second coiled hose is indicated.
 - Page 1, third paragraph, recites U.S. Patent No. 6,454,017. Apparently, U.S. Patent No. 6,455,017 should be indicated.

Appropriate clarifications/corrections are required.

Drawings

3. The drawings are objected to because:

Fig. 1 shows a worker with the reference 70, while pages 3 and 4 of the specification, recite "the worker 10".

Fig. 4 shows a fowl F, while the specification, page 5, recites "a fowl 62" and "nozzles 62".

Fig.5 shows "high pressure" (ref. 32). Apparently, high pressure water is shown.

The apparatus 80 is not shown on Fig.5, as recited in the specification on page 5.

Fig. 3 includes the reference character(s) 37, not mentioned in the description.

The nozzles 30, 30' are not shown on Fig. 5, as recited in the specification on page 5.

Fig. 5 includes the reference character(s) 88, not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 30, 31 are objected to because of the following informalities: claims 30 and 31 recite "a path of the high pressure that is discharged...". Apparently, high pressure **water** is discharged. Appropriate clarification/correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 30 and 31 recite discharging ozone water from the first nozzle and also discharging high pressure from the first nozzle, which is not readily ascertainable and therefore appropriate clarifications and/or corrections are required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 24-28, 33, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasting, Jr. et al (U.S. 6,455,017).

Kasting teaches an apparatus for washing and sanitizing the variety of surfaces. The apparatus of Kasting comprises a single hand held unit with a wand having a conduit with an inlet and outlet, a discharge nozzle, connected to the outlet, a source of high pressure water connected to the wand and a source of ozone/water, connected to the wand (Fig. 1; col.2, lines 33-39; paragraph, bridging col.2 and 3; col.3, lines 6-9, lines 35-39, lines 60-67; col.4, lines 17-43; paragraph, bridging col.5 and 6). Therefore, all the structural limitations as instantly claimed are met by Kasting.

9. Claims 24-26 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Harkins et al (U.S. 6,638,364).

Harkins teaches a cleaning system, which includes a storage tank for storing electrolyzed alkaline water, a pressure pump, connected to the storage tank in order to supplying water to a wand (reads on "a source of high pressure water connected to the wand"); a hose (reads on "conduit"), through which the water is supplied and sprayed under pressure on the surface to be cleaned. Since the water is sprayed on the surface

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to be cleaned, the spraying (discharge) nozzle is present within the teaching of Harkins.

With regard to a source of ozone/water connected to the wand, Harkin teaches that electrolyzed oxidizing water contains small amounts of ozone and, therefore, a source of ozone water, connected to the wand, is also present within the teaching of Harkins.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harkins et al (U.S. 6,638,364) in view of Karubian et al (U.S. 5,503,594).

With regard to claim 27, Harkins does not specifically indicate a valve attached to the wand for controlling the flow of the high pressure water. With regard to claim 34, Harkins does not specifically indicate a wand having a grip.

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However, such structural elements are commonly utilized in the art in order to control flow or pressure of treatment liquid exiting from the wand and provide convenient handling of the wand. Thus, Karubian teaches cleaning system wherein a flow spray of pressurized water is controlled by a valve attached to the wand with a grip so that the operator may conveniently deliver the pressurized water to particular spots that need more cleaning (Abstract, Fig.3; col.2, lines 42-50; col.3, lines 29-40). Therefore, one skilled in the art motivated by Karubian would have found obvious to provide a grip for grasping the wand and attach a valve to the wand in order to optimize cleaning by controlling the flow and pressure of water, exiting from the wand in the apparatus of Harkins.

Allowable Subject Matter

13. Claims 29, 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 30,31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: no prior art that anticipates or suggests fairly the apparatus or cleaning system, having the combination of structural elements, specifically a wand comprising a first

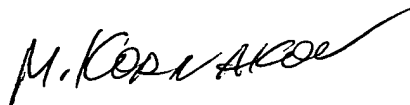
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conduit with a connected first discharge nozzle and a second conduit with a connected second discharge nozzle, has been located as of the date of this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Kornakov
Primary Examiner
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11/17/2005